

TEXT OF MODIFIED REGULATION

For the 45-day comment period, proposed text is underlined;

For the 45-day comment period, deleted text is shown in ~~strikeout~~ type;

For the 15-day comment period, proposed text is double underlined;

For the 15-day comment period, deleted text is shown in ~~double strikeout~~ type.

CALIFORNIA CODE OF REGULATIONS TITLE 2. ADMINISTRATION DIVISION 1. ADMINISTRATIVE PERSONNEL CHAPTER 1. STATE PERSONNEL BOARD SUBCHAPTER 1. GENERAL CIVIL SERVICE ARTICLE 2. GENERAL PROVISIONS

§ 26. Record Retention Requirements.

(a) Appointing authorities powers shall retain the following records in an orderly and systematic manner for a minimum of five years:

(1) Affirmative action and equal employment opportunity (EEO) records, related to including but not limited to, policies and procedures, EEO officer's duty statement, and complaint and response records;

~~(2) Employee personnel records related to all appointments, including, but not limited to, permanent, temporary, full time, part time, intermittent, seasonal, additional appointments, and retired annuitants. These records include, but are not limited to, Request for Personnel Action, Notice of Personnel Action, duty statements, applications, resumes, probation reports and performance reviews, loyalty oaths and oaths of office, policy and training acknowledgments, training history, pre-employment background and reference checks, and minimum qualification verifications. These records also include employee disciplinary records, except the minimum five-year record retention requirement does not apply to disciplinary records if a stipulated settlement agreement between the employee and appointing power or bargaining agreement between the employee's union and the state provides otherwise;~~

~~(3) Examination records, including but not limited to, job analyses and other development-related documentation, qualified appraisal panel questions, answer sheets, rating criteria, and testing administration records;~~

~~(4) Merit and selection records, including but not limited to written job announcements, on-line and e-mail distributed job announcements, applications,~~

application screening criteria, rating criteria, test scores, interview records, pre-employment background check records, EEO questionnaires, reference checks, and other related records for persons not hired;

(~~5~~ 4) Position descriptions, including but not limited to records describing established positions regardless of the funding source, and information on title, series, grade, duties, and responsibilities; and

(~~6~~ 5) Requests for classification of new positions or reclassification of existing positions.

(b) Appointing powers shall retain the following records for a minimum of five years from the effective date of the employee's appointment:

(1) Employee personnel records related to all to all appointments, including, but not limited to, permanent, temporary, full-time, part-time, intermittent, seasonal, additional appointments, and retired annuitants. These records include, but are not limited to, Request for Personnel Action, Notice of Personnel Action, duty statements, applications, resumes, probation reports and performance reviews, loyalty oaths and oaths of office, policy and training acknowledgments, training history, pre-employment background and reference checks, and minimum qualification verifications. These records also include employee disciplinary records, except the minimum five-year record retention requirement does not apply to disciplinary records if a stipulated settlement agreement between the employee and appointing power or bargaining agreement between the employee's union and the state provides otherwise.

(c) All records shall be retained in an orderly and systematic manner.

(~~b~~ d) As used in this section, "records" include any books, papers, or other data, on whatever medium recorded. A record will normally encompass all matters included within section 250 of the Evidence Code. Duplicate copies of the same record are not required to be retained.

NOTE: Authority cited: Sections 18660 and 18701, Government Code. Reference: Sections 18573 and 18661, Government Code.